

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:

Application of Storag Etzel GmbH for
an Order, Pursuant to 28 U.S.C. § 1782,
to Obtain Discovery for Use in a
Foreign Proceeding

Case No.: 19-mc-00209-CFC

NOTICE OF SUBSEQUENT AUTHORITY

LANDIS RATH & COBB LLP

Rebecca L. Butcher (No. 3816)
Matthew R. Pierce (No. 5946)
919 Market Street, Suite 1800
Wilmington, DE 19801
Telephone: (302) 467-4400
Facsimile: (302) 467-4450
Email: butcher@lrclaw.com
pierce@lrclaw.com

FRESHFIELDS BRUCKHAUS

DERINGER US LLP

Timothy P. Harkness
Olivia P. Greene
601 Lexington Avenue, 31st Floor
New York, New York 10022
Telephone: (212) 277-4000
Facsimile: (212) 277-4001
Email: timothy.harkness@freshfields.com
olivia.greene@freshfields.com

Dated: March 31, 2020

Applicant Storag Etzel GmbH (“Storag”), by and through its undersigned attorneys, hereby provides this Notice of Subsequent Authority, pursuant to D. Del. L.R. 7.1.2(b), to the Court. Attached hereto as Exhibit 1 is a recent ruling from the Fourth Circuit Court of Appeals in a separate proceeding under 28 U.S.C. § 1782 (“Section 1782”), *Servotronics, Inc. v. Boeing Co., et al.*, No. 18-2454 (4th Cir. Mar. 30, 2020) (hereinafter, “*Servotronics*”). Attached hereto as Exhibit 2 is a recent ruling from the District Court for the Northern District of California in a separate proceeding under Section 1782, *HRC-Hainan Holding Co., LLC v. Yihan Hu, et al.*, 2020 WL 906719 (N.D. Cal. Feb. 25, 2020) (hereinafter, “*HRC-Hainan*”).

Servotronics and *HRC-Hainan* both hold that a private international arbitration is a “proceeding in a foreign or international tribunal.” 28 U.S.C. § 1782(a). *See* Ex. 1 at 3; Ex. 2 at *7-8.

Servotronics and *HRC-Hainan* provide further authority that Storag’s Application for an Order Pursuant to 28 U.S.C. § 1782 to Obtain Discovery for Use in a Foreign Proceeding, D.I. 2, meets the statutory requirements of Section 1782 and should be granted.

Dated: March 31, 2020

LANDIS RATH & COBB LLP

/s/ Rebecca L. Butcher

Rebecca L. Butcher (No. 3816)

Matthew R. Pierce (No. 5946)

919 Market Street, Suite 1800

Wilmington, DE 19801

Telephone: (302) 467-4400

Facsimile: (302) 467-4450

Email: butcher@lrclaw.com

pierce@lrclaw.com

And

FRESHFIELDS BRUCKHAUS

DERINGER US LLP

Timothy P. Harkness*

Olivia P. Greene*

601 Lexington Avenue, 31st Floor

New York, New York 10022

Telephone: (212) 277-4000

Facsimile: (212) 277-4001

Email: timothy.harkness@freshfields.com

olivia.greene@freshfields.com

**Admitted pro hac vice*

Attorneys for Applicant Storag Etzel GmbH